

FILED

OCT 12 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Gregory I. Rasin, Admitted *Pro Hac Vice*
Steven D. Hurd, Admitted *Pro Hac Vice*
JACKSON LEWIS LLP
59 Maiden Lane
New York, New York 10038
Telephone: (212) 545-4000
Facsimile: (212) 972-3213 or (212) 599-6525

Attorneys for Defendants
NEW YORK TIMES COMPANY LONG TERM
DISABILITY PLAN, NEW YORK TIMES
COMPANY FLEXIBLE BENEFITS PROGRAM,
NEW YORK TIMES COMPANY SUPPLEMENTAL
RETIREMENT AND INVESTMENT PLAN and
NEW YORK TIMES COMPANY PENSION PLAN

D. Gregory Valenza (SBN 161250)
Allison M. Dibley (SBN 213104)
JACKSON LEWIS LLP
199 Fremont Street, 10th Floor
San Francisco, California 94105
Telephone: (415) 394-9400
Facsimile: (415) 394-9401

**Submitting Counsel are directed to serve this
order upon all other parties in this action.**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SIENNA HORNBACK,

Plaintiff,

v.

NEW YORK TIMES COMPANY LONG
TERM DISABILITY PLAN;
METROPOLITAN LIFE INSURANCE
COMPANY; NEW YORK TIMES
COMPANY FLEXIBLE BENEFITS
PROGRAM; NEW YORK TIMES
COMPANY SUPPLEMENTAL
RETIREMENT AND INVESTMENT PLAN;
NEW YORK TIMES COMPANY PENSION
PLAN,

Defendants.

Case No. C 05-00508 SBA

**STIPULATION AND [PROPOSED]
ORDER TO DISMISS CERTAIN
DEFENDANTS WITH PREJUDICE**

The parties, through their respective counsel, hereby stipulate and agree to dismissal of defendants NEW YORK TIMES COMPANY FLEXIBLE BENEFITS PROGRAM, NEW YORK TIMES COMPANY SUPPLEMENTAL RETIREMENT AND INVESTMENT PLAN, AND NEW YORK TIMES COMPANY PENSION PLAN, with each party to bear its and her own costs and attorneys' fees.

Dated: June __, 2005

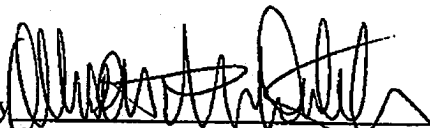
By

Richard Johnston
Attorneys for Plaintiff
SIENNA HORBACK

Dated: Sept.
June 30, 2005

JACKSON LEWIS LLP

By


Gregory I. Rasin, *Admitted Pro Hac Vice*
Steven D. Hurd, *Admitted Pro Hac Vice*
D. Gregory Valenza
Allison M. Dibley

Attorneys for Defendants
NEW YORK TIMES COMPANY LONG TERM
DISABILITY PLAN, NEW YORK TIMES
COMPANY FLEXIBLE BENEFITS PROGRAM,
NEW YORK TIMES COMPANY
SUPPLEMENTAL RETIREMENT AND
INVESTMENT PLAN and NEW YORK TIMES
COMPANY PENSION PLAN

[THIS SPACE INTENTIONALLY LEFT BLANK]

09/30/2005 11:35 7077952922

09/12/2005 11:51 FAX 415 541-1111

RICHARD JOHNSTON

PAGE 02

1 The parties, through their respective counsel, hereby stipulate and agree to dismissal of
 2 defendants NEW YORK TIMES COMPANY FLEXIBLE BENEFITS PROGRAM, NEW
 3 YORK TIMES COMPANY SUPPLEMENTAL RETIREMENT AND INVESTMENT PLAN,
 4 AND NEW YORK TIMES COMPANY PENSION PLAN, with each party to bear its and her
 5 own costs and attorneys' fees.

6 Dated: Sept. 30, 2005

By

Richard Johnston
 Richard Johnston
 Attorneys for Plaintiff
 SIENNA HORBACK

JACKSON LEWIS LLP

11 Dated: June 1, 2005

By

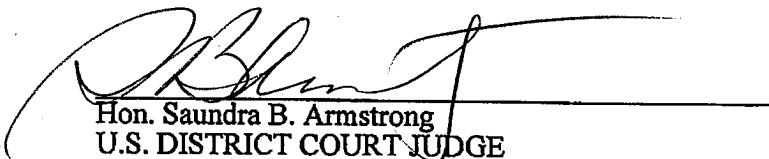
Gregory I. Rasin, Admitted Pro Hac Vice
Steven D. Hurd, Admitted Pro Hac Vice
 D. Gregory Valenza
 Allison M. Dibley
 Attorneys for Defendants
 NEW YORK TIMES COMPANY LONG TERM
 DISABILITY PLAN, NEW YORK TIMES
 COMPANY FLEXIBLE BENEFITS PROGRAM,
 NEW YORK TIMES COMPANY
 SUPPLEMENTAL RETIREMENT AND
 INVESTMENT PLAN and NEW YORK TIMES
 COMPANY PENSION PLAN.

23 [THIS SPACE INTENTIONALLY LEFT BLANK]

ORDER

IT IS HEREBY ORDERED that Defendants NEW YORK TIMES COMPANY FLEXIBLE BENEFITS PROGRAM, NEW YORK TIMES COMPANY SUPPLEMENTAL RETIREMENT AND INVESTMENT PLAN, AND NEW YORK TIMES COMPANY PENSION PLAN shall be dismissed from the within action, with prejudice, with each party to bear its and her own costs and attorneys' fees.

Dated: 10-12-05


Hon. Sandra B. Armstrong
U.S. DISTRICT COURT JUDGE

H:\N\New York Times Company (5733)\Hornback, Sienna (81408)\Pleadings\Stip of Dismissal.doc